

REMARKS

This is in response to the Office Action dated October 17, 2005. In that Office Action, the Examiner objected to Claim 5 because of an improper claim label. In addition, the Examiner rejected Claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner also rejected Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by United States Patent 2,609,716 to Forman.

Applicant has amended the application and respectfully asserts that the application is now in condition for allowance.

1. The Claim Label to Claim 5 has been Corrected.

Claim 5 was objected to by the Examiner because it was inadvertently labeled as "original" after it had previously been withdrawn. The label has been amended to "withdrawn".

2. Claim 1 has been Amended to Overcome the 35 USC § 112 Rejection.

In the latest Office Action, the Examiner stated that Claim 1 previously recited the limitation "said second panel member". There was insufficient antecedent basis for such a limitation. Claim 1 has been amended to state "said second elongate housing portion" which has sufficient antecedent basis.

3. The Forman Reference Does Not Disclose a "Cutting Element Having a Generally Linear Cutting Edge".

As is discussed in detail below, applicant respectfully asserts that the Forman reference does not teach, suggest, or show a cutting element having a generally linear cutting edge.

By this amendment, Applicant has amended independent Claim 1 in order to more particularly point out and distinctly claim aspects of his invention. More particularly, Claim 1

has been amended so as to include a cutting element having a generally linear cutting edge. Figures 2 and 3 of the patent application show cutting edges 28, 30 as being straight.

Applicant respectfully submits that amended Claim 1 is not anticipated by the Forman patent. Specifically, the Forman patent does not disclose a cutting element having a linear cutting edge. Instead, the Forman patent discloses a wire insulation stripper having V-shaped shearing surfaces, or V-shaped edges. (col. 1, line 23; col. 2, line 6). Figures 1, 2, and 5 of the Forman patent further disclose the V-shaped edges.

Indeed, the Forman patent discloses an insulation wire stripper that uses "jaws" that are designed to coact ensuring a relationship to thus axially sheer insulation off a wire. (col. 1, lines 6-12; col.2, lines 7-16). Such configuration is completely incapable of being advanced through tissue, and much less advanced through tissue in a manner that is operative to slice through and harvest a discreet segment of tissue, as is accomplished by the present invention. Such limitations are clearly illustrated in Figure 1 of the Forman patent which depicts the opposed jaws 12, 12' which cooperatively define a blunt surface that could not in any manner be advanced through and slice a segment of tissue to be harvested.

On the basis of the foregoing, Applicant respectfully submits that independent Claim 1 is not anticipated by the Forman patent and is in condition for allowance, as are Claims 2-4 as being dependent on Claim 1.

4. Conclusion

Applicant respectfully submits that the stated grounds of rejection have been overcome, and that Claims 1-4 are now in condition for allowance.


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If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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